IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1222 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 1.2.2002 in WP No. 26236 of 2000 on the file of the High Court.)

Between:

1 The District Superintendent of Police, Machilipatnam,

Krishna District.
2 The State of Andhra Pradesh, Rep. by its Secretary, Home,

Secretariat Buildings, Hyderabad.

..... APPELLANTS

AND

Jonnalagadda Jayamma, W/o.Veeraiah,
R/o.Gudivada, Krishna District.

.....RESPONDENT

Counsel for the Appellants:GP FOR HOME

Counsel for the Respondent: MR.POLAPRAGADA ARUNA KUMAR

The Court made the following :

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JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

Challenging the order dated 1.2.2002 passed in W.P.No.26236 of 2000 by a learned Single Judge of this Court, the present writ appeal has been filed by the appellants.

Detailed facts are not necessary to be mentioned as the controversy is in a short compass.

The respondent-petitioner was appointed as Home Guard on 21.9.1989 in Machilipatnam of Krishna District. She was removed from service on 11.9.2000 on the allegation of indecent behaviour. Questioning the same, the writ petition was filed.

Combating the allegations made in the writ petition, 1st appellant-respondent filed a detailed counter affidavit.

After analyzing the facts on record, the learned Single Judge has observed that the counter affidavit did not disclose the fact that the authority has followed the due process of law before terminating the services of the respondent-petitioner by appointing an Enquiry Officer and calling for the explanation of the petitioner. Following the principles of natural justice under the above ground, the learned single Judge has set aside the impugned order and allowed the writ petition directing the respondents to reinstate the petitioner in to service with all consequential and attendant benefits.

While admitting the appeal, a Division Bench of this Court stayed the payment of

back wages and benefits except reinstatement of the respondent-petitioner.

We have meticulously gone through the entire material available on record. From a close scrutiny of the material on record, it reveals that in pursuance of the order of the learned single Judge, the respondent-petitioner was reinstated into service with all consequential and attendant benefits.

In view of the above, the order passed by the learned Single Judge is modified to the effect that the respondent-petitioner is not entitled to any back wages except reinstatement.

Subject to the above observation, the writ appeal is disposed of. No costs.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

15.06.2005

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To

1 The District Superintendent of Police, Machilipatnam,

Krishna District.

2 The Secretary, State of Andhra Pradesh, Home, Secretariat

Buldings, Hyderabad.

3. Two CCs to GP for Home, High Court of A.P., Hyderabad.

4. 2 CD copies